IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5724 of 1999

For Approval and Signature:

Hon'ble MR.JUSTICE A.L.DAVE

==========

1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

MARUTI NAGAPPA DHOTRE

Versus

STATE OF GUJARAT

Appearance:

MR RS SANJANWALA for Petitioner

MR ND GOHIL, AGP, for Respondent No.1 and 2

MR AJ PATEL WITH MR PJ KANABAR for Nos.3 & 4

CORAM : MR.JUSTICE A.L.DAVE

Date of decision: 27/07/2000

ORAL JUDGEMENT

1. The petitioner is aggrieved by an order passed by the Additional Chief Secretary (Appeals), Revenue Department, in Revision Application No.SRD/HKP/PLS/89/97 dated the 6th April, 1999 confirming the order passed by the Collector, Valsad, in CH/RTS/Review/Case 29/93, under

Section 108(6) of the Bombay Land Revenue Code, whereby entry No.5602 dated April 1, 1990 and entry No.5750 dated February 1, 1991 and certified on the 20th December, 1991 of village Chala, taluka Pardi, district Valsad, came to be cancelled.

2. Various contentions are raised in the petition. However, upon hearing learned counsel Mr. Sanjanwala for the petitioner, Mr. A.J. Patel with Mr. P.J. Kanabar for respondents No.3 and 4 and Mr. Gohil, learned Assistant Government Pleader, appearing for respondents No.1 and 2, there appears to be a consensus about the fact that revenue entries are made only for fiscal purpose and the rights/title over the disputed property can be decided by a Civil Court with competent jurisdiction. The Civil Court or any other authority with competent jurisdiction will decide the rights between the parties qua the property in question. If such suit is not filed, it would be open for the respondents to file a suit, if they so choose to do. In the meanwhile, the disputed entries are directed to remain as they are with a clarification that such entries will not be used by the petitioner or the respondents in the suit pending or which may be instituted for deciding their rights. The impugned order of the Additional Chief Secretary and the order of the Collector is hereby quashed. Entries No.5602 dated April 1, 1990 and 5750 dated February 1, 1991 shall stand restored subject to above restrictions. Rule is made absolute accordingly. No costs.

[A.L. DAVE, J.]

gt